

Judicial Branch Appropriations Bill Senate File 442

As amended by H-1306

(Strike everything after the enacting clause)

Last Action:

**House Appropriations
Committee**

April 16, 2013

An Act relating to appropriations to the Judicial Branch.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>

LSA Contact: Jennifer Acton (515-281-7846)

FUNDING SUMMARY

This Bill, as amended, appropriates a total of \$167.7 million from the General Fund to the Judicial Branch for FY 2014. This is an increase of \$5.7 million compared to estimated FY 2013. Page 1, Line 7

Appropriates a total of \$142.5 million from the General Fund to the Judicial Branch for FY 2015. This is 85.0% of the total appropriated for FY 2014 including \$139.9 million for Judicial Branch operations and \$2.6 million for for the Jury and Witness Revolving Fund.

STUDIES AND INTENT

Prohibits the Judicial Branch from duplicating the State payroll system. Page 1, Line 35

Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management (DOM). Page 1, Line 41

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. Page 2, Line 2

Requires the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public during regular business hours. Page 2, Line 5

Requires the Judicial Branch to provide a semiannual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Page 2, Line 18

Requires the Judicial Branch to report to the General Assembly by January 1, 2014, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2013 and planned expenditures for FY 2014. Page 2, Line 27

Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. Page 2, Line 38

Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer. Page 3, Line 3

Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch. Page 3, Line 20

EXECUTIVE SUMMARY
JUDICIAL BRANCH APPROPRIATIONS BILL

H1306

Specifies it is the intent of the General Assembly that the Judicial Branch utilize the Iowa Communications Network or other secure electronic communications in lieu of traveling for FY 2014.

Page 3, Line 36

H1306

1 1 Amend Senate File 442, as passed by the Senate, as
1 2 follows:
1 3 1 By striking everything after the enacting clause
1 4 and inserting:

1 5 DIVISION I
1 6 FY 2013-2014

1 7 Section 1. JUDICIAL BRANCH.

1 8 1. There is appropriated from the general fund of
1 9 the state to the judicial branch for the fiscal year
1 10 beginning July 1, 2013, and ending June 30, 2014, the
1 11 following amount, or so much thereof as is necessary,
1 12 to be used for the purposes designated:

1 13 a. For salaries of supreme court justices,
1 14 appellate court judges, district court judges,
1 15 district associate judges, associate juvenile judges,
1 16 associate probate judges, judicial magistrates and
1 17 staff, state court administrator, clerk of the supreme
1 18 court, district court administrators, clerks of the
1 19 district court, juvenile court officers, board of law
1 20 examiners and board of examiners of shorthand reporters
1 21 and judicial qualifications commission; receipt and
1 22 disbursement of child support payments; reimbursement
1 23 of the auditor of state for expenses incurred in
1 24 completing audits of the offices of the clerks of the
1 25 district court during the fiscal year beginning July
1 26 1, 2013; and maintenance, equipment, and miscellaneous
1 27 purposes:
1 28 \$ 164,599,367

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is an increase of \$5,687,545 compared to estimated FY 2013. The increase includes \$2,389,929 to restore 53.00 Clerk of Court FTE positions that were eliminated due to the 7.10% across-the-board (ATB) reduction of \$11.4 million in FY 2010; an increase of \$2,741,968 to restore 42.00 FTE positions that were eliminated due to the ATB reduction in FY 2010; and an increase of \$555,648 and 8.00 FTE positions for Information Technology staff to help expedite the implementation of the electronic document management system (EDMS).

1 29 b. For deposit in the revolving fund created
1 30 pursuant to section 602.1302, subsection 3, for jury
1 31 and witness fees, mileage, costs related to summoning
1 32 jurors, fees for interpreters, and reimbursement of
1 33 attorney fees paid by the state public defender:
1 34 \$ 3,100,000

General Fund appropriation to the Jury and Witness Fee Revolving Fund for the reimbursement of juror and witness fees, mileage, and costs.

DETAIL: This is no change compared to estimated FY 2013.

1 35 2. The judicial branch, except for purposes of
1 36 internal processing, shall use the current state budget
1 37 system, the state payroll system, and the Iowa finance
1 38 and accounting system in administration of programs
1 39 and payments for services, and shall not duplicate the
1 40 state payroll, accounting, and budgeting systems.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

1 41 3. The judicial branch shall submit monthly

Requires the Judicial Branch to submit monthly financial statements for

<p>1 42 financial statements to the legislative services 1 43 agency and the department of management containing 1 44 all appropriated accounts in the same manner as 1 45 provided in the monthly financial status reports and 1 46 personal services usage reports of the department 1 47 of administrative services. The monthly financial 1 48 statements shall include a comparison of the dollars 1 49 and percentage spent of budgeted versus actual revenues 1 50 and expenditures on a cumulative basis for full-time 2 1 equivalent positions and dollars.</p> <p>2 2 4. The judicial branch shall focus efforts upon the 2 3 collection of delinquent fines, penalties, court costs, 2 4 fees, surcharges, or similar amounts.</p> <p>2 5 5. The offices of the clerks of the district court 2 6 shall operate in all 99 counties and be accessible to 2 7 the public during regular business hours.</p> <p>2 8 6. In addition to the requirements for transfers 2 9 under section 8.39, the judicial branch shall not 2 10 change the appropriations from the amounts appropriated 2 11 to the judicial branch in this division of this Act, 2 12 unless notice of the revisions is given prior to their 2 13 effective date to the legislative services agency. 2 14 The notice shall include information on the branch's 2 15 rationale for making the changes and details concerning 2 16 the workload and performance measures upon which the 2 17 changes are based.</p> <p>2 18 7. The judicial branch shall submit a semiannual 2 19 update to the legislative services agency specifying 2 20 the amounts of fines, surcharges, and court costs 2 21 collected using the Iowa court information system since 2 22 the last report. The judicial branch shall continue 2 23 to facilitate the sharing of vital sentencing and 2 24 other information with other state departments and 2 25 governmental agencies involved in the criminal justice 2 26 system through the Iowa court information system.</p> <p>2 27 8. The judicial branch shall provide a report to 2 28 the general assembly by January 1, 2014, concerning 2 29 the amounts received and expended from the enhanced 2 30 court collections fund created in section 602.1304 and 2 31 the court technology and modernization fund created in 2 32 section 602.8108, subsection 7, during the fiscal year 2 33 beginning July 1, 2012, and ending June 30, 2013, and 2 34 the plans for expenditures from each fund during the</p>	<p>all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management (DOM). Specifies what is to be included in the financial statements.</p> <p>Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.</p> <p>Requires the Judicial Branch operate Clerk of Court offices in all 99 counties and be open to the public during regular business hours.</p> <p>Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds and specifies the contents of the notice.</p> <p>Requires the Judicial Branch to provide a semiannual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the ICIS.</p> <p>Requires the Judicial Branch to report to the General Assembly by January 1, 2014, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2013 and planned expenditures for FY 2014. The Judicial Branch is required to provide a copy of this report to the LSA.</p>
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2 35 fiscal year beginning July 1, 2013, and ending June 30,
 2 36 2014. A copy of the report shall be provided to the
 2 37 legislative services agency.

2 38 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding
 2 39 any provision to the contrary, for the fiscal year
 2 40 beginning July 1, 2013, and ending June 30, 2014, if
 2 41 all parties in a case agree, a civil trial including a
 2 42 jury trial may take place in a county contiguous to the
 2 43 county with proper jurisdiction, even if the contiguous
 2 44 county is located in an adjacent judicial district or
 2 45 judicial election district. If the trial is moved
 2 46 pursuant to this section, court personnel shall treat
 2 47 the case as if a change of venue occurred. However,
 2 48 if a trial is moved to an adjacent judicial district
 2 49 or judicial election district, the judicial officers
 2 50 serving in the judicial district or judicial election
 3 1 district receiving the case shall preside over the
 3 2 case.

Permits parties to a civil case, including a jury trial, to move the case to a contiguous county, even if it crosses a judicial district for one year (FY 2014). If the case is moved, the judicial officers in the receiving judicial district will preside over the case.

3 3 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
 3 4 section 602.1509, for the fiscal year beginning July 1,
 3 5 2013, a judicial officer may waive travel reimbursement
 3 6 for any travel outside the judicial officer's county of
 3 7 residence to conduct official judicial business.

Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer.

3 8 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
 3 9 LEGISLATIVE SERVICES AGENCY. All reports or copies of
 3 10 reports required to be provided by the judicial branch
 3 11 for fiscal year 2013-2014 to the legislative services
 3 12 agency shall be provided in an electronic format. The
 3 13 legislative services agency shall post the reports on
 3 14 its internet website and shall notify by electronic
 3 15 means all the members of the joint appropriations
 3 16 subcommittee on the justice system when a report
 3 17 is posted. Upon request, copies of the reports may
 3 18 be mailed to members of the joint appropriations
 3 19 subcommittee on the justice system.

Requires the Judicial Branch to provide the LSA with reports in electronic format to allow the reports to be placed on the LSA website. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

3 20 Sec. 5. JUDICIAL OFFICER — UNPAID
 3 21 LEAVE. Notwithstanding the annual salary rates
 3 22 for judicial officers established by 2008 Iowa Acts,
 3 23 chapter 1191, section 11, for the fiscal year beginning
 3 24 July 1, 2013, and ending June 30, 2014, the supreme
 3 25 court may by order place all judicial officers on
 3 26 unpaid leave status on any day employees of the
 3 27 judicial branch are placed on temporary layoff status.
 3 28 The biweekly pay of the judicial officers shall be

Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch through FY 2014.

3 29 reduced accordingly for the pay period in which the
 3 30 unpaid leave date occurred in the same manner as for
 3 31 noncontract employees of the judicial branch. Through
 3 32 the course of the fiscal year, the judicial branch may
 3 33 use an amount equal to the aggregate amount of salary
 3 34 reductions due to the judicial officer unpaid leave
 3 35 days for any purpose other than for judicial salaries.

3 36 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
 3 37 intent of the general assembly that the judicial branch
 3 38 utilize the Iowa communications network or other secure
 3 39 electronic communications in lieu of traveling for the
 3 40 fiscal year beginning July 1, 2013.

Specifies it is the intent of General Assembly that the Judicial Branch utilize the Iowa Communications Network or other secure electronic communications in lieu of traveling for FY 2014.

3 41 DIVISION II
 3 42 FY 2014-2015

FY 2015: Division II makes General Fund appropriations to the Judicial Branch for FY 2015 that are 85.00% of the FY 2014 General Fund appropriations.

3 43 Sec. 7. JUDICIAL BRANCH.

3 44 1. There is appropriated from the general fund of
 3 45 the state to the judicial branch for the fiscal year
 3 46 beginning July 1, 2014, and ending June 30, 2015, the
 3 47 following amount, or so much thereof as is necessary,
 3 48 to be used for the purposes designated:

3 49 a. For salaries of supreme court justices,
 3 50 appellate court judges, district court judges,
 4 1 district associate judges, associate juvenile judges,
 4 2 associate probate judges, judicial magistrates and
 4 3 staff, state court administrator, clerk of the supreme
 4 4 court, district court administrators, clerks of the
 4 5 district court, juvenile court officers, board of law
 4 6 examiners and board of examiners of shorthand reporters
 4 7 and judicial qualifications commission; receipt and
 4 8 disbursement of child support payments; reimbursement
 4 9 of the auditor of state for expenses incurred in
 4 10 completing audits of the offices of the clerks of the
 4 11 district court during the fiscal year beginning July
 4 12 1, 2014; and maintenance, equipment, and miscellaneous
 4 13 purposes:

4 14 \$ 139,909,462

4 15 b. For deposit in the revolving fund created
 4 16 pursuant to section 602.1302, subsection 3, for jury
 4 17 and witness fees, mileage, costs related to summoning
 4 18 jurors, fees for interpreters, and reimbursement of
 4 19 attorney fees paid by the state public defender:

4 20 \$ 2,635,000

4 21 2. The judicial branch, except for purposes of
 4 22 internal processing, shall use the current state budget
 4 23 system, the state payroll system, and the Iowa finance
 4 24 and accounting system in administration of programs

4 25 and payments for services, and shall not duplicate the
4 26 state payroll, accounting, and budgeting systems.

4 27 3. The judicial branch shall submit monthly
4 28 financial statements to the legislative services
4 29 agency and the department of management containing
4 30 all appropriated accounts in the same manner as
4 31 provided in the monthly financial status reports and
4 32 personal services usage reports of the department
4 33 of administrative services. The monthly financial
4 34 statements shall include a comparison of the dollars
4 35 and percentage spent of budgeted versus actual revenues
4 36 and expenditures on a cumulative basis for full-time
4 37 equivalent positions and dollars.

4 38 4. The judicial branch shall focus efforts upon the
4 39 collection of delinquent fines, penalties, court costs,
4 40 fees, surcharges, or similar amounts.

4 41 5. The offices of the clerks of the district court
4 42 shall operate in all 99 counties and be accessible to
4 43 the public during regular business hours.

4 44 6. In addition to the requirements for transfers
4 45 under section 8.39, the judicial branch shall not
4 46 change the appropriations from the amounts appropriated
4 47 to the judicial branch in this division of this Act,
4 48 unless notice of the revisions is given prior to their
4 49 effective date to the legislative services agency.
4 50 The notice shall include information on the branch's
5 1 rationale for making the changes and details concerning
5 2 the workload and performance measures upon which the
5 3 changes are based.

5 4 7. The judicial branch shall submit a semiannual
5 5 update to the legislative services agency specifying
5 6 the amounts of fines, surcharges, and court costs
5 7 collected using the Iowa court information system since
5 8 the last report. The judicial branch shall continue
5 9 to facilitate the sharing of vital sentencing and
5 10 other information with other state departments and
5 11 governmental agencies involved in the criminal justice
5 12 system through the Iowa court information system.

5 13 8. The judicial branch shall provide a report to
5 14 the general assembly by January 1, 2015, concerning
5 15 the amounts received and expended from the enhanced
5 16 court collections fund created in section 602.1304 and
5 17 the court technology and modernization fund created in
5 18 section 602.8108, subsection 7, during the fiscal year
5 19 beginning July 1, 2013, and ending June 30, 2014, and
5 20 the plans for expenditures from each fund during the
5 21 fiscal year beginning July 1, 2014, and ending June 30,
5 22 2015. A copy of the report shall be provided to the

5 23 legislative services agency.

5 24 Sec. 8. CIVIL TRIALS — LOCATION. Notwithstanding

5 25 any provision to the contrary, for the fiscal year

5 26 beginning July 1, 2014, and ending June 30, 2015, if

5 27 all parties in a case agree, a civil trial including a

5 28 jury trial may take place in a county contiguous to the

5 29 county with proper jurisdiction, even if the contiguous

5 30 county is located in an adjacent judicial district or

5 31 judicial election district. If the trial is moved

5 32 pursuant to this section, court personnel shall treat

5 33 the case as if a change of venue occurred. However,

5 34 if a trial is moved to an adjacent judicial district

5 35 or judicial election district, the judicial officers

5 36 serving in the judicial district or judicial election

5 37 district receiving the case shall preside over the

5 38 case.

5 39 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding

5 40 section 602.1509, for the fiscal year beginning July 1,

5 41 2014, a judicial officer may waive travel reimbursement

5 42 for any travel outside the judicial officer's county of

5 43 residence to conduct official judicial business.

5 44 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT —

5 45 LEGISLATIVE SERVICES AGENCY. All reports or copies of

5 46 reports required to be provided by the judicial branch

5 47 for fiscal year 2014-2015 to the legislative services

5 48 agency shall be provided in an electronic format. The

5 49 legislative services agency shall post the reports on

5 50 its internet website and shall notify by electronic

6 1 means all the members of the joint appropriations

6 2 subcommittee on the justice system when a report

6 3 is posted. Upon request, copies of the reports may

6 4 be mailed to members of the joint appropriations

6 5 subcommittee on the justice system.

6 6 Sec. 11. JUDICIAL OFFICER — UNPAID

6 7 LEAVE. Notwithstanding the annual salary rates

6 8 for judicial officers established by 2008 Iowa Acts,

6 9 chapter 1191, section 11, for the fiscal year beginning

6 10 July 1, 2014, and ending June 30, 2015, the supreme

6 11 court may by order place all judicial officers on

6 12 unpaid leave status on any day employees of the

6 13 judicial branch are placed on temporary layoff status.

6 14 The biweekly pay of the judicial officers shall be

6 15 reduced accordingly for the pay period in which the

6 16 unpaid leave date occurred in the same manner as for

6 17 noncontract employees of the judicial branch. Through

6 18 the course of the fiscal year, the judicial branch may

6 19 use an amount equal to the aggregate amount of salary

6 20 reductions due to the judicial officer unpaid leave

6 21 days for any purpose other than for judicial salaries.
6 22 Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the
6 23 intent of the general assembly that the judicial branch
6 24 utilize the Iowa communications network or other secure
6 25 electronic communications in lieu of traveling for the
6 26 fiscal year beginning July 1, 2014.

Justice System General Fund

	Estimated FY 2013 <u>(1)</u>	Senate Action FY 2014 <u>(2)</u>	House Approp FY 2014 <u>(3)</u>	Hse Appr vs Sen Act FY14 <u>(4)</u>	House Approp FY 2015 <u>(6)</u>
<u>Judicial Branch</u>					
Judicial Branch	\$ 158,911,822	\$ 164,599,367	\$ 164,599,367	\$ 0	\$ 139,909,462
Jury & Witness	<u>3,100,000</u>	<u>3,100,000</u>	<u>3,100,000</u>	<u>0</u>	<u>2,635,000</u>
Total Judicial Branch	<u>\$ 162,011,822</u>	<u>\$ 167,699,367</u>	<u>\$ 167,699,367</u>	<u>\$ 0</u>	<u>\$ 142,544,462</u>
Total Justice System	<u><u>\$ 162,011,822</u></u>	<u><u>\$ 167,699,367</u></u>	<u><u>\$ 167,699,367</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 142,544,462</u></u>

Justice System FTE Positions

	Estimated FY 2013 <u>(1)</u>	Senate Action FY 2014 <u>(2)</u>	House Approp FY 2014 <u>(3)</u>	Hse Appr vs Sen Act FY14 <u>(4)</u>	House Approp FY 2015 <u>(6)</u>
<u>Judicial Branch</u>					
Judicial Branch	1,806.21	1,909.21	1,909.21	0.00	1,909.21
Total Judicial Branch	<u>1,806.21</u>	<u>1,909.21</u>	<u>1,909.21</u>	<u>0.00</u>	<u>1,909.21</u>
Total Justice System	<u>1,806.21</u>	<u>1,909.21</u>	<u>1,909.21</u>	<u>0.00</u>	<u>1,909.21</u>